

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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GARY ABDULLA,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner;

Melonie J. McCall, United States Department of Justice, Washington, DC, for respondent.

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No. 13-853V

Special Master Christian J. Moran

Filed: February 26, 2014

Stipulation; influenza (“flu”) vaccine;  
shoulder bursitis; rotator cuff tear.

### **UNPUBLISHED RULING FINDING ENTITLEMENT<sup>1</sup>**

On October 29, 2013, Gary Adbulla filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. §300a—10 et. seq., alleging that he suffered bursitis in his left shoulder and a rotator cuff tear related to his receipt of the influenza (“flu”) vaccine on October 12, 2011.

In her Rule 4(c) report, respondent states that she “recommends that compensation be awarded.” Resp’t’s Rep’t, filed Feb 21, 2014, at 1. Respondent adds that the Division of Vaccine Injury Compensation, Department of Health and Human Services, has reviewed the facts of this case and has concluded that the alleged injury, lasting for more than six months, “is consistent with a shoulder injury related to vaccine administration (‘SIRVA’),” and thus that “petitioner has satisfied all legal prerequisites for compensation under the [Vaccine]Act.” Id. at 4.

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that he is entitled to compensation for his injury.

**Accordingly, Mr. Abdulla is entitled to compensation.** A status conference is set, sua sponte, for **Monday, March 24, 2014 at 2:00 P.M. Eastern Time**, to discuss the process for quantifying the amount of damages to which Mr. Abdulla is entitled.<sup>2</sup>

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6353.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> All preexisting deadlines are CANCELLED.